

Deborah Deitsch-Perez  
Michael P. Aigen  
**STINSON LLP**  
3102 Oak Lawn Avenue, Suite 777  
Dallas, Texas 75219-4259  
Telephone: (214) 560-2201  
Facsimile: (214) 560-2203

*Counsel for Defendants NexPoint Advisors, L.P.  
and Highland Capital Management Fund Advisors, L.P.*

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**In re:**

**HIGHLAND CAPITAL MANAGEMENT, L.P.,**  
**Reorganized Debtor.**

**MARC S. KIRSCHNER, AS LITIGATION TRUSTEE  
OF THE LITIGATION SUB-TRUST,**

**Plaintiff,**

**v.**

**JAMES D. DONDERO; MARK A. OKADA; SCOTT ELLINGTON; ISAAC LEVENTON; GRANT JAMES SCOTT III; FRANK WATERHOUSE; STRAND ADVISORS, INC.; NEXPOINT ADVISORS, L.P.; HIGHLAND CAPITAL MANAGEMENT FUND ADVISORS, L.P.; DUGABOY INVESTMENT TRUST AND NANCY DONDERO, AS TRUSTEE OF DUGABOY INVESTMENT TRUST; GET GOOD TRUST AND GRANT JAMES SCOTT III, AS TRUSTEE OF GET GOOD TRUST; HUNTER MOUNTAIN INVESTMENT TRUST; MARK & PAMELA OKADA FAMILY TRUST – EXEMPT TRUST #1 AND LAWRENCE TONOMURA AS TRUSTEE OF MARK & PAMELA OKADA FAMILY TRUST – EXEMPT TRUST #1; MARK & PAMELA OKADA FAMILY TRUST – EXEMPT TRUST #2 AND LAWRENCE TONOMURA IN HIS CAPACITY AS TRUSTEE OF MARK & PAMELA OKADA FAMILY TRUST – EXEMPT TRUST #2; CLO HOLDCO, LTD.; CHARITABLE DAF HOLDCO, LTD.; CHARITABLE DAF FUND, LP.; HIGHLAND DALLAS FOUNDATION; RAND PE FUND I, LP, SERIES 1; MASSAND CAPITAL, LLC; MASSAND CAPITAL, INC.; SAS ASSET RECOVERY, LTD.; AND CPCM, LLC,**

**Defendants.**

**Chapter 11**

**Case No. 19-34054-sgj11**

**Adv. Pro. No. 21-03076-sgj**

**NEXPOINT ADVISORS, L.P. AND HIGHLAND CAPITAL MANAGEMENT FUND  
ADVISORS, L.P.'S WITNESS AND EXHIBIT LIST FOR MARCH 17, 2022  
AT 1:30 P.M. (CENTRAL TIME)**

Highland Capital Management Fund Advisors, L.P. ("HCMFA") and NexPoint Advisors, L.P. ("NexPoint"), submit this Witness and Exhibit List for the status conference scheduled on Thursday, March 17, 2022 at 1:30 p.m. (the "Status Conference") on the following matters:

1. *The Motion to Withdraw the Reference for the Causes of Action in the Complaint Asserted Against the Former Employee Defendants* [Adv. Proc. Dkt. 27], the *Brief in Support of Motion to Withdraw the Reference for the Causes of Action in the Complaint Asserted Against the Former Employee Defendants* [Adv. Proc. Dkt. 28], and *The Former Employee Defendants' Reply in Support of the Motion to Withdraw the Reference* [Adv. Proc. Dkt. 108].
2. *The Motion of the Okada Parties to Withdraw the Reference* [Adv. Proc. Dkt. 36], the *Memorandum of Law in Support of the Okada Parties' Motion to Withdraw the Reference* [Adv. Proc. Dkt. 37], and the *Reply in Support of the Okada Parties' Motion to Withdraw the Reference* [Adv. Proc. Dkt. 105].
3. *The Motion to Withdraw the Reference for the Causes of Action in the Complaint Asserted Against Defendants* [Adv. Proc. Dkt. 39], the *Memorandum in Support of Defendants NexPoint Advisors, L.P. and Highland Capital Management Fund Advisors, L.P.'s Jury Demand and Motion to Withdraw the Reference* [Adv. Proc. Dkt. 40], and the *Reply in Support of Motion to Withdraw the Reference* [Adv. Proc. Dkt. 103].
4. *Defendants James Dondero, Dugaboy Investment Trust, Get Good Trust, and Strand Advisors, Inc.'s Motion to Withdraw the Reference* [Adv. Proc. Dkt. 45], *Defendants James Dondero, Dugaboy Investment Trust, Get Good Trust, and Strand Advisors, Inc.'s Memorandum of Law in Support of Motion to Withdraw the Reference* [Adv. Proc. Dkt. 46], and *The Dondero Defendants' Reply in Support of the Motion to Withdraw the Reference* [Adv. Proc. Dkt. 106].
5. *Defendant Grant James Scott's Motion to Withdraw Reference* [Adv. Proc. Dkt. 50], and *Defendant Grant James Scott's Brief in Support of Motion to Withdraw Reference* [Adv. Proc. Dkt. 51].
6. *Motion to Withdraw the Reference* [Adv. Proc. Dkt. 59], and *Reply in Support of Motion to Withdraw the Reference* [Adv. Proc. Dkt. 104] filed by CLO Holdco, Ltd., Charitable DAF Holdco, Ltd., Charitable DAF Fund, L.P., and Highland Dallas Foundation.

7. *The Litigation Trustee's Response in Opposition to Defendants' Motions to Withdraw the Reference* [Adv. Proc. Dkt. 95].

#### **HCMFA AND NEXPOINT'S WITNESS LIST**

HCMFA and NexPoint may call the following persons to testify as witnesses at the Status Conference:

1. Any witness called by any other party; and
2. Rebuttal witnesses as necessary.

HCMFA and NexPoint reserve the right to cross-examine any witness called by any other party.

#### **HCMFA AND NEXPOINT'S EXHIBIT LIST**

1. Any exhibits designed by any other party, specifically including the exhibits listed in *The Former Employee Defendants' Witness and Exhibit List for Status Conference Scheduled for March 17, 2022 at 1:30 p.m. (Central Time)* [Adv. Proc. Dkt. 109].
2. Any exhibits necessary as rebuttal evidence.

HCMFA and NexPoint reserve the right to amend or supplement this Witness and Exhibit List as necessary in advance of the Status Conference.

Dated: March 14, 2022

Respectfully submitted,

**STINSON LLP**

/s/ Deborah Deitsch-Perez

Deborah Deitsch-Perez  
Texas State Bar No. 24036072  
Michael P. Aigen  
Texas State Bar No. 24012196  
3102 Oak Lawn Avenue, Suite 777  
Dallas, Texas 75219-4259  
Telephone: (214) 560-2201  
Telecopier: (214) 560-2203  
Email: deborah.deitschperez@stinson.com  
Email: michael.aigen@stinson.com

**ATTORNEYS FOR DEFENDANTS  
NEXPOINT ADVISORS, L.P. AND  
HIGHLAND CAPITAL MANAGEMENT  
FUND ADVISORS, L.P.**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that, on March 14, 2022, a true and correct copy of the foregoing document was served via the Court's CM/ECF system on all parties registered to receive electronic notices in this case.

/s/ Deborah Deitsch-Perez  
Deborah Deitsch-Perez